

REMARKS

Claim Amendment

Claims 1, 2 and 6 have been amended to claim purine derivatives only pursuant to the restriction requirement. Claim 6 is also amended to improve readability. Claim 1 has been further amended by replacing "aryl" with "phenyl" in element R, which is supported by claim 3 and numerous examples where R was exemplified as an optionally substituted phenyl. Claim 11 has been amended to replace "a cysteine protease" with "at least one chosen from cathepsins S, K, L, F and B," the support for which can be found at line 3, page 1 of the specification. In addition, in claim 1, the second NR9R10 in the element R¹ is deleted to break the infinite regression.

35 U.S.C. §102

Claims 1-2 were rejected by the Examiner under 35 U.S.C. §102(a,e) as being anticipated by U.S. Patent No. 6,921,753. Applicants respectfully submit that the current amendment to claim 1 should overcome this rejection and withdrawal of this rejection is respectfully requested.

35 U.S.C. §112

Claims 1-5 and 10-13 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the definition of R being an alkyl or cycloalkyl "which can optionally contain one or more O..." did not make sense. Applicants respectfully traverse this rejection for the following reasons. Applicants believe the definitions of alkyl/cycloalkyl containing an O atom is clear to a skilled person. It means that the alkyl/cycloalkyl carbon chain or ring can be interrupted by an O atom. Thus, in the case of alkyl an optional O atom will turn it into an alkoxy group, e.g. -CH₂-O-CH₂CH₃. The same principle applies for the cycloalkyl scenario, i.e., the O is in the ring of the cycloalkyl. The applicants do not intend an alkyl substituted by O, as the valency of the O atom would be incorrect unless it was an OH group. Once again, the claims say that the alkyl and cycloalkyl groups can contain O, S etc, not substituted by O, S. Withdrawal of this rejection is respectfully requested.

Claims 1-3 and 10-13 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the second NR9R10 in the element R¹ causes an infinite regress. Applicants amended claim 1 by deleting the second NR9R10 to remove the infinite regress. Withdrawal of the rejection is respectfully requested.

Claim 11 was rejected by the Examiner under 35 U.S.C. §112, first paragraph for lack of enablement for cystein protease generally. Even though Applicants respectfully disagree with the Examiner, to expedite the prosecution process, Applicants limit the preamble to "at least one chosen from cathepsins S, K, L, F and B," support of which can be found in the specification at line 3 of page 1. Withdrawal of this rejection is respectfully requested.

Having now responded to all the outstanding issues in the Office Action, Applicants believe the application is in condition for allowance, which action is respectfully requested.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 26-0166, referencing Attorney Docket No. 100729-1P US.

Respectfully submitted,
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